



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION UNDER 37 C.F.R. §1.131

I, Leo Pedlow, Jr. and Davender Agnihotri, do hereby declare and state as follows:

I am named as an inventor of the subject matter of application number 10/828,737 filed April 21, 2004 which claims priority benefit of Provisional Patent Application 60/516,131 filed October 31, 2003.

During the period of time between prior to June 30, 2003 and prior to July 31, 2003 and after October 31, 2003, I and my coinventor were involved in research and development work relating to Video on Demand (VOD) processing, and in particular, studying various implementation strategies for VOD cable television headends using selective encryption of the VOD content. Mr. Szabo was our project manager for this project and was aware of our daily activities in connection with this project. Mr. Szabo's declaration to this effect is attached as **Exhibit A**. We determined that different of the strategies and system designs had certain tradeoffs. Such tradeoffs involved, for example, number of encryption devices required, storage capacity required, security of the stored or transmitted content, compatibility with a system with legacy and non-legacy receivers, etc. I and my coinventor devised a number of system designs for cable headend systems, and prepared descriptions of the various system designs and comparison tables of the pros and cons of each design, and a report providing details of various system designs. One such report showing the various designs and the above-referenced tables is attached to the declaration of Scott Szabo as **Exhibit B** hereto. This report has heretofore been considered a confidential document of Sony Electronics, Inc.

During that period of time, Sony Electronics, Inc., was involved in trials of its selective encryption technology (trademark "Passage") in cooperation with a cable service provider, and was simultaneously conducting research into optimizing the strategies for such selective encryption technologies when used in connection with VOD. The report of **Exhibit B** depicted

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several strategies for use of the Passage® technologies in connection with VOD. Portions of this report have been expunged including the identity of the cable service to protect confidential information of either Sony Electronics or the cable service provider company. Such expunged information has no bearing on the present matter.

I and my coinventor were involved in presentation of certain of this information to the cable provider in a different form prior to July 31, 2003 at a meeting held on a confidential basis for the purposes of furthering the testing of the Passage® technology in the area of VOD.

I and my coinventor were also involved in an additional meeting held on a confidential basis with the cable provider on August 11, 2003 in which this technology was discussed in the context of Sony Electronic, Inc.'s cooperative trials with the cable service provider.

The dates shown on the report of Exhibit B are correctly stated as August 9, 2003, August 27, 2003, September 2, 2003 and October 16, 2003.

I and my coinventor were also engaged on practically a daily basis in working on the subject matter of this report and refining the inventions and system designs shown in this report during the time period from well prior to June 30, 2003, and well prior to July 31, 2003 through well after October 31, 2003.

I and my coinventor prepared an invention disclosure on September 3, 2003 describing the present invention and submitted same to Sony Electronics, Inc.'s Intellectual Property Department.

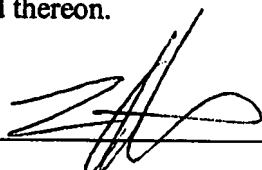
Each of the inventions and system designs disclosed in this report are closely interrelated, since each design has one or more tradeoffs that have to be considered in relation to the remaining designs in order to determine how a service provider should integrated the design into a particular cable headend to provide appropriate service to its customers. As a result, work on any one system has implications as to the design and implementation along with the comparative tradeoffs with another of the systems.

Each of the systems shown in the report of Exhibit B was conceived by me and my coinventor and the basic system design work was done prior to July 31, 2003 and prior to June 30, 2003. The design as conceived is accurately described by the current claims of the patent application in which this declaration is being filed. Additional work was done to refine and

document these designs, prepare and refine the report of Exhibit B and prepare of invention disclosures for each of the system design inventions during the time between prior to June 30, 2003 and September 3, 2003.

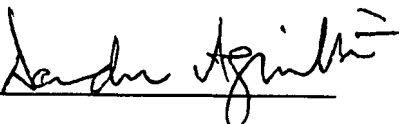
In early September, arrangements were made to meet with Jerry A. Miller to discuss preparation of patent applications relating to this VOD technology. On October 17, 2003, I and my coinventor met with Mr. Miller and explained the technology to him. He subsequently prepared and filed provisional and non-provisional patent applications for this technology. His activities are discussed in the declaration labeled Exhibit C.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

Signed: 

Dated: 05/07/2007

By: Leo Pedlow, Jr.

Signed: 

Dated: 05/07/2007

By: Davender Agnihotri